

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
CENTRAL DIVISION

FILED
OCT 10 2014
[Signature]
CLERK

UNITED STATES OF AMERICA

Plaintiff,

-vs-

MICHAEL HEATH THETFORD,
a/k/a Russ LNU,

Defendant.

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11-30159-RAL

OPINION AND ORDER
DENYING DEFENDANT'S
MOTION TO DISMISS

The Superseding Indictment in this case charges Thetford with five counts: (1) Felon in Possession of a Firearm, (2) Impersonating a Federal Officer, (3) Interstate Stalking, and (4) and (5) two counts of Tampering with a Witness. Doc. 37. The Government alleges that Thetford posed as an FBI special agent, purportedly investigating the Shirley and William Jack Winslett (the Winsletts) for offenses against the United States. Doc. 37 at 1-2. Thetford allegedly asked the Winsletts to submit to a polygraph examination, transported them part of the way from Hughes County, South Dakota, to Sioux City, Iowa, but never completed the trip. Doc. 45 at 2. Thetford later allegedly tampered with the Winsletts to attempt to have them end cooperation with the Government. Doc. 37.

Thetford is represented by counsel, but likes to file his own pleadings and he has shown himself to be a very independent thinker and clever man. On October 7, 2014, Thetford, acting pro se, filed a Motion to Dismiss Count I, Doc. 98, a Motion to Dismiss Count[s] II, III, IV, and V, Doc. 99, and a ninety-three page long Briefing and Memorandum in Support of Defense Motions to Dismiss, Doc. 100. This Court has read the material. Thetford writes well and expresses many arguments for why he strongly believes that, despite being a convicted felon, he

ought to have Constitutional and natural rights to have firearms. Thetford wrongly conflates his discharge from probation on his Alabama state court felony conviction with restoration of his right to possess firearms. Thetford makes many arguments against the existence of gun laws or their application to him in this case, but none that justify dismissing the grand jury's indictment and superseding indictment of Thetford.

Therefore, it is

ORDERED that Thetford's Motion to Dismiss Count I, Doc. 98, and Thetford's Motion to Dismiss Count[s] II, III, IV, and V, Doc. 99, are denied.

Dated October 10, 2014.

BY THE COURT:



ROBERTO A. LANGE
UNITED STATES DISTRICT JUDGE